

29. (new) The method of claim 26, wherein the first conduit is placed within a trench within the soil, and wherein the trench is filled with soil [produced during formation of the trench] after the first conduit is placed in the trench. *new matter*

30. (new) The method of claim 26, wherein the first conduit is placed within a trench within the soil, and wherein the trench is filled with [uncontaminated fill material] after the first conduit is placed in the trench. *(clean soil)*

REMARKS

A. Pending Claims

Claims 11-30 are pending in the application. Claims 1-10 have been cancelled.

B. New Claims

The Examiner rejected the claims pending in the parent application based on 35 U.S.C. §112, second paragraph as being indefinite; and based on 35 U.S.C. §103 as being obvious in light of U.S. Pat. No. 5,271,693 issued to Johnson et al. (referred to as "the Johnson et al. patent"). Applicant respectfully disagrees that the claims were indefinite or obvious. Applicant has cancelled the previous claims and submitted new claims. Applicant believes that the new claims overcome the Examiner's rejections based on indefiniteness. Claim 11 includes the feature of "maintaining pressure within the at least one conduit below a pressure in the soil to inhibit transport of the combustion gas from the at least one conduit to the soil." This feature addresses the Examiner's concern about precluding "the gases from being injected into the soil."

Claims 18 and 26 (the other independent claims of the present application), each include similar features directed towards precluding "the gases from being injected into the soil." The other indefiniteness rejections made by the Examiner are not fully understood and/or are believed to be moot due to the cancellation of the previous set of claims with the subsequent entry of the new

claims directed to the same subject matter.

The Examiner rejected the previous claims as being obvious in light of the Johnson et al. patent. Applicant respectfully disagrees that the claims were obvious in light of the Johnson et al. patent. Applicant believes that the presently pending claims are not obvious in light of the Johnson et al. patent. Claim 11 includes a combination of features, including: "heating the contaminated soil to vaporize contaminants by flowing hot gas through the at least one conduit ... drawing vaporized contaminants into the at least one conduit from the contaminated soil." These features, in combination with the other features of the claims, are not taught or suggested by the cited prior art. Claim 18 includes a combination of features, including: "heating a conduit positioned in soil by drawing a hot fluid through the conduit... drawing contaminants from the soil into the conduit." These features, in combination with the other features of the claims, are not taught or suggested by the cited prior art. Similarly, claim 26 includes a combination of features, including: "passing hot gas through a first conduit that is positioned within soil ... removing contaminants from the soil by drawing contaminants into the first conduit." These features, in combination with the other features of the claims, are not taught or suggested by the cited prior art. In addition, many of the dependent claims of claims 11, 18, and 26 (the independent claims) include independently patentable features not taught or described in the cited prior art. Applicant requests allowance of claims 11, 18 and 26 and the claims dependent thereon.

C. Summary

Based on the above, Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

It is believed that no fees are due in connection with the filing of this Preliminary Amendment. If any fees are due, the Commissioner is hereby authorized to deduct said fees from Conley, Rose & Tayon Deposit Account No. 50-1505/5119-04801/EBM.

Respectfully submitted,



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